

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 2501 - SB 2474**

February 16, 2022

**SUMMARY OF BILL:** Establishes the following as unlawful discriminatory practices under the *Tennessee Human Rights Act*, when based on a person's COVID-19 vaccination status: a person denying an individual local or state services, goods, facilities, advantages, privileges, licensing, educational opportunities, healthcare access, or employment opportunities; an employer refusing employment, barring employment, or discriminating against a person in compensation or condition of employment; a place, store, or establishment that solicits or accepts the patronage of the general public excluding, segregating, refusing to serve, or discriminating against a person.

Establishes that these prohibitions do not apply to vaccination requirements for a school, nursery, kindergarten, preschool, or child care facility. Establishes that it is not a discriminatory practice for a person, governmental entity, or an employer to recommend that an individual receive a vaccine for COVID-19.

Prohibits an individual from being required to receive a COVID-19 vaccination that is allowed due to an emergency use authorization or is undergoing clinical trials. Exempts nursing homes or assisted-care living facilities from compliance with these provisions if compliance would violate regulations issued by the federal Centers for Medicare and Medicaid Services or the federal Centers for Disease Control and Prevention.

Authorizes the Tennessee Human Rights Commission (THRC) to impose a civil penalty of \$5,000 for each discriminatory practice violation.

**FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- The addition of this discriminatory practice under the *Tennessee Human Rights Act* is not estimated to significantly increase the number of phone calls, online complaint submittals, or caseload processing on behalf of the Tennessee Human Rights Commission. Any additional complaints as a result of the proposed legislation are estimated to be handled within existing resources.
- There is not estimated to be a significant increase in civil penalties filed on behalf of the THRC; therefore, no significant increase in revenue or expenditures.

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- Immunization or vaccination for COVID-19 is currently not required by any state or local governmental entity in Tennessee. Prohibiting any such future requirement will not result in a significant fiscal impact to the state or local government.
- If the proposed legislation prohibits a state or local entity or private business from following any future federal vaccination mandate, federal funding could be jeopardized.
- Currently, federal law mandates critical healthcare workers at facilities receiving funds from Medicaid and Medicare to receive the COVID-19 vaccine. Federal law provides for a medical or religious belief exemption to the mandate. It is assumed any employer of critical healthcare workers is following federal mandate guidelines and will not be in jeopardy of losing federal funds by complying with the proposed legislation.

## **IMPACT TO COMMERCE:**

### **NOT SIGNIFICANT**

#### Assumptions:

- Pursuant to Tenn. Code Ann. § 14-2-102, private businesses are prohibited from discriminating against a person by denying the person employment, privileges, credit, insurance, access, products, services, or other benefits based on their vaccination status.
- Therefore, the proposed legislation will not result in any significant impact to jobs or commerce in Tennessee.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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